

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Anna V. Uchillan

Case No.: _____

Judge: _____

Debtor(s)

Chapter: _____

13

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 285.00 Monthly to the Chapter 13 Trustee, starting on 1/1/2017 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion:

☐ Refinance of real property

Description:

Proposed date for completion:

☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion:

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Thomas E. Dowey, Esq.	Attorney Fees	2000.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Colonial Mortgage	210 Booker Ave.	14761.80	0	14761.80	1250.12

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated



as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
Mariner Finance
Toyota Motors Credit Corp

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

Not less than \$ to be distributed *pro rata*

Not less than percent

☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: _____

Explain below **why** the Plan is being modified. _____

Explain below **how** the Plan is being modified _____

Are Schedules I and J being filed simultaneously with this modified Plan? Yes ☐ No ☐

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date November 21, 2016

/s/ Thomas E. Dowey, Esq.

Thomas E. Dowey, Esq.

Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: November 21, 2016

/s/ Anna V. Uchillan

Anna V. Uchillan

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 11 of 12
 United States Bankruptcy Court
 District of New Jersey

In re:
 Ana V. Uchillan
 Debtor

Case No. 16-33147-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 31

Date Rcvd: May 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 19, 2017.

db
 516533027 +Ana V. Uchillan, 210 Booker Ave., Egg Harbor Township, NJ 08234-8202
 516533028 +Accent Head & Neck Group, 2021 New Road Suite 1, Linwood, NJ 08221-1045
 516533029 +Advanced Anesthesia Asso, P.O. Box 4640, Rutherford, NJ 07070-0464
 516533030 +Bayfront Emergency Physician, 58 W. Main St. Ste 305, Newark, DE 19711
 516533030 +Benjamin Rodriguez, 210 Booker Ave., Egg Harbor Township, NJ 08234-8202
 516533031 +Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
 516533033 +Citi, P.O. Box 790040, Saint Louis, MO 63179-0040
 516533034 +Colonial Home Loans, P.O. Box 1301, Fort Worth, TX 76101-1301
 516533035 +Comenity Bank/Victoria, P.O. Box 182789, Columbus, OH 43218-2789
 516533037 +Jessica Sinclair, 24 Ivy Stone Dr., Egg Harbor Township, NJ 08234-6525
 516533038 +Mariner Finance, 8211 Town Center Dr, Nottingham, MD 21236-5904
 516533040 +Montgomery Ward, 1112 7th Ave., Monroe, WI 53566-1364
 516601118 +Montgomery Ward, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516533041 +Phillips & Cohen Asso., P.O. Box 5790, Hauppauge, NY 11788-0164
 516533042 +Santander Consumer USA, P.O. Box 961245, Fort Worth, TX 76161-0244
 516533044 +Shore Medical Center, P.O. Box 6250, Baltimore, MD 21264-0001
 516533043 +Shore Medical Center, P.O. Box 42972, Philadelphia, PA 19101-2972
 516533045 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, P.O. Box 8026,
 Cedar Rapids, IA 52409)
 516546484 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov May 17 2017 22:20:44 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 17 2017 22:20:41 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516688826 E-mail/PDF: resurgentbknofications@resurgent.com May 17 2017 22:15:53
 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory,
 Corporation of America Holdings, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 516742228 +E-mail/Text: bankruptcydesk@colonialsavings.com May 17 2017 22:21:04 Colonial Savings, F.A.,
 2626 W FWY, Fort Worth, TX 76102-7109
 516533036 E-mail/Text: mrdiscen@discover.com May 17 2017 22:19:58 Discover, P.O. Box 30943,
 Salt Lake City, UT 84130
 516541184 E-mail/Text: mrdiscen@discover.com May 17 2017 22:19:58 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516556389 E-mail/Text: bkr@cardworks.com May 17 2017 22:19:52 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 516533039 +E-mail/Text: bkr@cardworks.com May 17 2017 22:19:52 Merrick Bank, P.O. Box 660702,
 Dallas, TX 75266-0702
 516747435 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 17 2017 22:23:17
 Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541
 516633764 E-mail/Text: bnc-quantum@quantum3group.com May 17 2017 22:20:36
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 516669026 +E-mail/PDF: gecsed@recoverycorp.com May 17 2017 22:16:02 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 516533046 +E-mail/Text: chornor@uniteherehealth.org May 17 2017 22:21:05 United Here Health,
 P.O. Box 6680, Aurora, IL 60598-0680

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516533032* +Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
 516586537* +MARINER FINANCE, LLC, 8211 TOWN CENTER DRIVE, NOTTINGHAM, MD 21236-5904

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 31

Date Rcvd: May 17, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 19, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 11, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Colonial Savings F.A. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmil@standingtrustee.com, summarymail@standingtrustee.com
Thomas E. Dowey on behalf of Debtor Ana V. Uchillan tdesquire@hotmail.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5